

The City Council met in regular session at the hour of 8:31 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember – Arrived shortly thereafter
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Jerry Duncan	Council President

Andrew T. Souza, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Cindy Bruer, Deputy City Clerk

Councilmember Dages gave the invocation and Councilmember Westerlund led the Pledge of Allegiance.

PROCLAMATION OF GARY SCELZI DAY – COUNCILMEMBER CALHOUN

Read and presented.

PROCLAMATION OF AFRICAN AMERICAN HEALTHY NUTRITION DAY – COUNCILMEMBER STERLING

Read and presented.

APPROVE MINUTES OF FEBRUARY 7, 2006

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the minutes of February 7, 2006, approved as submitted.

COUNCILMEMBER REPORTS AND COMMENTS

INTRODUCTION OF NEW EMPLOYEE – COUNCILMEMBER STERLING

Councilmember Sterling introduced and welcomed District 3's new Staff Assistant, Enrique Vasquez to the City of Fresno.

COMMENDATION/THANK YOU TO THE FRESNO POLICE DEPARTMENT AND CHIEF DYER – COUNCILMEMBER STERLING

Councilmember Sterling commended and thanked the Police Department for making an arrest last Friday in a corner pocket of a District 3 neighborhood and stated her office had received numerous telephone calls from District 3 residents expressing their gratitude to the Police Department.

BURLINGTON NORTHERN SANTA FE (BNSF) RAILSIDING ISSUE SCHEDULED FOR DISCUSSION ON FEBRUARY 28, 2006, AT 4:00 P.M. – COUNCILMEMBER CALHOUN

Councilmember Calhoun announced the BNSF rail siding issue has been scheduled for discussion at the February 28, 2006 Council meeting at 4:00 p.m. and stated the item may be controversial.

COMMENDATION/THANK YOU TO THE PUBLIC WORKS DEPARTMENT – COUNCILMEMBER CALHOUN

Councilmember Calhoun thanked Assistant Design Services Manager Mozier and Engineer Inspector Johnson from the Public Works Department and Caltrans for their efforts in dealing with illegally parked trucks on the Eisenhower overpass.

COMMENDATION/THANK YOU TO THE FRESNO POLICE DEPARTMENT – COUNCIL PRESIDENT DUNCAN

Council President Duncan thanked the Police Department for the outstanding job they did Monday evening in District 6 on Utah Street where the police prevented a man from committing suicide.

EXTEND BEST WISHES TO KOPI SOTIROPOLOUS – COUNCIL PRESIDENT DUNCAN

Council President Duncan announced Kopi Sotiropoulos, Anchorman for Channel 26, was admitted to St. Agnes Hospital yesterday with chest pains and extended best wishes for a speedy recovery.

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APPROVE AGENDA

(10:00 AM #1) HEARING TO CONSIDER COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 111, TRACT NO. 5356 – PUBLIC WORKS DEPT.

Continued to February 28, 2006, at 10:05 a.m.

(10:00AM#2) HEARING TO CONSIDER COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 112, TRACT NO. 5517 – PUBLIC WORKS DEPT.

Continued to February 28, 2006, at 10:05 a.m.

(10:10 A.M.) HEARING TO CONSIDER COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 2, TRACT NO. 5316 – PUBLIC WORKS DEPT.

Continued to February 28, 2006, at 10:00 a.m.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	None

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ADOPT CONSENT CALENDAR

(1-A) Councilmember Boyajian pulled Item 1A for discussion.

(1-B) * AWARD A CONTRACT IN THE AMOUNT OF \$6,000 TO SEVERO ESQUIVEL FOR CONSULTING SERVICES RELATED TO VARIOUS AIRPORTS DEPARTMENT INITIATIVES

(1-C) RESOLUTION NO. 2006-57 - AUTHORIZING AN APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A LOCAL GOVERNMENT WASTE TIRE CLEANUP AND AMNESTY EVENT GRANT AND AUTHORIZE THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR TO SIGN ON BEHALF OF THE CITY

(1-D) ADOPT RESOLUTION OF INTENTION NO. 1049-D FOR THE VACATION A PORTION OF BROWNING AVENUE EAST OF BRAWLEY AVENUE AND SETTING THE PUBLIC HEARING AT 10:00 A.M. ON MARCH 14, 2006 (PROPERTY LOCATED IN DISTRICT 2)

(1-E) * APPROVE THE ACQUISITION OF EIGHT (8) TEMPORARY CONSTRUCTION EASEMENTS FOR THE PLACEMENT OF A SEWER MAIN IN FRESNO COUNTY ALONG CENTRAL AVENUE BETWEEN CHERRY AVENUE AND MARY STREET FROM PROPERTY OWNERS: DARRYL ALCHIAN, JAVIER GONZALES AND RITA REYES, MARY LOU CERRILLO, JOE H. CERRILLO, LINDA GALINDO, RICHARD AND LUPE GALINO AND JOSE A. AND CONCEPTION H. CERRILLO AND AUTHORIZE PUBLIC WORKS DIRECTOR TO ACCEPT THE TEMPORARY CONSTRUCTION DEEDS OF EASEMENT FROM THE PROPERTY OWNED BY DARRYL ALCHIAN, JAVIER GONZALES AND RITA REYES, MARY LOU CERRILLO, JOE H. CERRILLO, LINDA GALINDO, RICHARD AND LUPE GALINDO AND JOSE A. AND CONCEPTION H. CERRILLO

(1-F) APPROVE APPOINTMENT OF FRANCIS TRUJILLO TO THE ROOSEVELT IMPLEMENTATION COMMITTEE – COUNCILMEMBER DAGES AND APPOINTMENT OF MARVIN HARMS TO THE HUMAN RELATIONS COMMISSION – COUNCILMEMBER WESTERLUND

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

CONTESTED CONSENT CALENDAR:

(1-A) * **RESOLUTION NO. 2006-58** - 63RD AMENDMENT TO AAR NO. 2005-286 APPROPRIATING FUNDING FOR THE PURCHASE AND INSTALLATION OF SECURITY SYSTEMS FOR THE FEDERAL INSPECTION STATION (FIS) AT FRESNO YOSEMITE INTERNATIONAL AIRPORT

1. * **RESOLUTION NO. 2006-59** – AUTHORIZING THE DIRECTOR OF AVIATION TO ENTER INTO PURCHASE AND INSTALLATION CONTRACTS WITH METRO VIDEO SYSTEMS, INC., IN THE AMOUNT OF \$176,022 FOR CLOSED CIRCUIT TELEVISION (CCTV) EQUIPMENT FOR THE FEDERAL INSPECTION STATION (FIS) AT FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI) WITHOUT ADVERTISED COMPETITIVE BIDDING

2. * **RESOLUTION NO. 2006-60** - AUTHORIZING THE DIRECTOR OF AVIATION TO ENTER INTO PURCHASE AND INSTALLATION CONTRACTS WITH RFI COMMUNICATIONS & SECURITY SYSTEMS IN THE AMOUNT OF \$138,840 FOR SECURITY ACCESS CONTROL SYSTEM (SACS) EQUIPMENT FOR THE FEDERAL INSPECTION STATION (FIS) AT FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI) WITHOUT ADVERTISED COMPETITIVE BIDDING

Councilmember Boyajian questioned the reasoning for the selection of the two vendors with Airports Director Widmar stating timing was a very important factor and added if other companies replaced parts or equipment on the two systems the warranty would be void making it almost unserviceable and explained the importance of reputable companies to handle the sophisticated security system as well as the importance of the integration of the two systems.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-58, 2006-59, 2006-60 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

UNSCHEDULED COMMUNICATION:

APPEARANCE BY ELIAS DELGADO, 812 EAST HEDGES

Elias Delgado, 812 East Hedges addressed an issue that took place on January 30, 2006 between the Fresno Police Department, his cousin and a friend of his cousin. Mr. Delgado reviewed specifics of the incident. After a period of time the officers issued a ticket for speeding and stated the vehicle would be towed and impounded for 30 days. Mr. Delgado stated attempts were made to get the vehicle out of impound but with no results and felt the punishment was excessive for the situation.

Chief Assistant City Attorney Sanchez advised of the process available for members of the public to file a complaint with the Police Department, whereby the Police Department would follow-up and respond to the complaint. Councilmember Sterling recommended going to the District 3 Office for possible assistance. City Manager Souza stated the issue would be reviewed.

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(3A) PRESENTATION OF OPTIONS FOR FUNDING THE \$130,000 OF PALM LAKES GOLF COURSE OPERATING DEBTS AND ESTIMATED RESOURCES NEEDED TO MAINTAIN THE PROPERTY UNTIL JUNE 30, 2006 – PARK RECREATION & COMMUNITY SERVICES

Park, Recreation & Community Services Director Cooper briefly review the three options available as listed to pay off the debt that accumulated while the golf course was open.

A motion to approve Option 2 was and made and acted upon after extensive discussion.

Councilmember Dages questioned the status of the Moose Lodge renting the building and expressed concern with the amount of time it had taken, with Mr. Cooper responding and stated the Moose Lodge planned on renting the building for \$1,000.00 a month.

Councilmember Sterling questioned the future plans of the golf course and Mr. Cooper stated the area was presently being maintained by the City as a park. Mr. Cooper added if the Moose Lodge agreed to rent the facility, would be generated to maintain the park. Discussion ensued regarding future budgeting for maintenance of the park.

Councilmember Westerlund stated the area was not self-sustaining and discussed the size of the golf pro-shop being too small to accommodate functions but felt it would be sufficient for the Moose Lodge; stated he did not want to see the building boarded up, suggested a possible option would be to add on to the building; stated there had been discussion regarding making the area a driving range, but noted there were large islands in the middle of the property that were owned by an investor in the Bay area which breaks up the usability of a large portion of the tract. Councilmember Westerlund stated the City would maintain the area as a park because it was a service offered to the citizens of Fresno, and expressed concern with the restroom by the 9th hole, with Mr. Cooper stating the department was addressing the issue.

(2-0) Brief discussion ensued regarding CDBG funding and City Manager Souza stated CDBG funding could not be used for the park but staff would bring back options and possible plans for the future.

Councilmember Dages requested Council be kept informed of all issues taking place at Palm Lakes and to be notified when there was an agreement from Moose Lodge to rent the building. Mr. Souza stated Council would be kept informed and noted Council would have to approve the lease with Moose Lodge.

Councilmember Westerlund requested removal of an old, broken down tractor at the park area and Mr. Cooper stated it has already been addressed.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, **RESOLVED**, Option No. 2 relating to the use of Zoo Salary Savings of a one-time salary savings available due to vacancies related to the transition to the new Zoo Corporation to generate at least \$100,000 of salary savings for the remainder of the fiscal year to address the Palm Lakes operating debts and ongoing needs hereby approved, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	None

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(3B) RESOLUTION NO. 2006-61– EXPRESSING THE CITY’S INTENT TO ADOPT A CITYWIDE IMPACT FEE FOR LOCAL REGIONALLY SIGNIFICANT MAJOR STREETS AND AN IMPACT FEE BASED ON QUADRANTS FOR LOCAL MAJOR STREETS TO IMPLEMENT THE GOALS, OBJECTIVES AND POLICIES OF 2025 GENERAL PLAN PUBLIC WORKS DEPT.; DIRECT STAFF TO SCHEDULE THE PUBLIC HEARINGS AND PREPARE THE NECESSARY ORDINANCES AND RESOLUTIONS TO IMPLEMENT AND ADOPT THE STREET IMPACT FEES AS SOON AS POSSIBLE

Public Works Director Healey reviewed the staff report and recommended approval.

Mike Prandini, representing the BIA Association, stated the Association had been meeting with the Public Works Department and had requested additional information for review and requested the hearing be scheduled for March 28, 2006 in order to fully review the material for the purpose of determining appropriate fee amounts.

Acting President Perea requested a copy of the map showing the different quadrants and questioned how the major streets had been selected. He expressed concern with Peach Avenue and requested meeting with staff to get clarification on the process.

Councilmember Sterling, as a member of the Interagency Housing Task Force, expressed concern on how the fees would impact the affordable housing and infill projects in District 3. She noted there were several developers working with government programs on ways of keeping the affordability of housing and providing additional jobs and elaborated, and stated she could not support the fee at this time due to not knowing the end result for the developer.

Councilmember Boyajian requested additional information on the impact of the fees as well as an explanation of the quadrants and noted the importance of setting priorities to prevent people who have helped stabilize the inner City areas from getting discouraged and added his support to growth-induced development paying their own way.

Assistant Public Works Director Kirn stated staff was working on a process through inner-City development to seek out resources to offset the impact fees by possibly using linkage fees for affordable housing or some other mechanism through the General Plan. Councilmember Boyajian suggested extending payment of the fee over a two or three year period instead of all at once, stated he did not support the General Plan due to not having the inclusion of any type of financial tool, and spoke in support of the concept of the resolution listed above.

Councilmember Calhoun requested a hearing be set for March 28, 2006, and requested more information regarding recommendations from Munifinancial. Chief Assistant City Attorney Sanchez reiterated the resolution of intention would also allow any pending maps to be conditioned and the ultimate outcome would be by Council decision at the time of the hearing.

A motion to approve was acted upon after brief discussion.

Council President Duncan questioned if the intent of the fee was to provide a funding mechanism to eliminate pinch points with Public Works Director Healy responding. Council President Duncan suggested BIA provide alternative options in case of disagreement due to the fact streets needed to be built and a funding mechanism needed to be put in place. Mr. Prandini stated BIA was requesting additional time to determine if the fees would be fair and equitable for the industry and stated if the information provided was reasonable the industry would support it, but reiterated the need to review the information provided by the City.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2006-61 hereby adopted and a public hearing set for March 28, 2006, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Westerlund, Duncan
Noes :	None
Abstain :	Sterling
Absent :	None

(2A) RECOMMEND THE CITY MANAGER ADOPT AN ADMINISTRATIVE ORDER RELATING TO NEPOTISM – COUNCILMEMBER BOYAJIAN

Councilmember Boyajian gave an extensive review of the item listed above and stated he had several concerns with employees being hired without proper credentials, noted the importance of employee satisfaction, reviewed the opinion provided by the City Attorney's Office and reviewed direct relationships versus indirect relationships that cause issues with other employees in various departments, and stated the City Manager needed to prepare an Administrative Order to address the issue and also for the purpose of keeping up employee morale.

Councilmember Boyajian discussed a survey recently distributed to employees and reviewed the highs and lows of morale of the employees, rewarding employees for outstanding work, discipline being fair and consistent and

reiterated the important of addressing nepotism. He recommended a committee be formed to develop a nepotism policy to assist Department Directors and employees as to what was allowable and to provide continuity and structure for City employees.

Council President Duncan introduced and welcomed students from Centennial Elementary School.

City Manager Souza stated there would be a follow-up Citywide employee satisfaction survey distributed in the near future and noted 35% of the City employees participated in the first survey and added Personnel Services had provided his office with a draft Administrative Order which was being reviewed.

Councilmember Westerlund questioned the possibility of expanding the rules for nepotism into the Fresno Municipal Code to provide stronger terms with brief discussion ensuing.

Councilmember Boyajian questioned whether the draft Administrative Order contained information regarding morale and the need to address direct and indirect relationships, with Mr. Souza stating the draft Administrative Order dealt with nepotism and various situations would have be dealt with on a case to case basis. Councilmember Boyajian stated this recommendation was only a guide for fairness.

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The City Council recessed at 10:14 a.m. and convened in joint session with the Joint Powers Financing Authority.

RESOLUTIONS PERTAINING TO THE SAFEKEEPING OF AUTHORITY AND CITY FUNDS – FINANCE DEPT.
(JPFA "1A") RESOLUTION NO. 22 – DESIGNATING AND AUTHORIZING CERTAIN FINANCE OFFICERS OF THE CITY OF FRESNO TO SIGN VARIOUS INVESTMENT AND COMMERCIAL BANKING DOCUMENTS AND TO PROVIDE VERBAL INSTRUCTION REQUIRED FOR THE PRUDENT FINANCIAL ADMINISTRATION AND SAFEKEEPING OF FINANCING AUTHORITY FUNDS *(JOINT POWERS FINANCING AUTHORITY ACTION)*

Treasury Officer Wiles reviewed the above listed item and stated this was a housekeeping item that needed to be approved by Council as an employee in Finance recently married.

On motion of Mayor Autry, seconded by Member Boyajian, duly carried, RESOLVED, the above entitled Joint Powers Financing Authority Resolution No. 22 hereby adopted, by the following vote:

Ayes : Boyajian, Duncan, Autry
Noes : None
Absent : None

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(JPFA "1B") RESOLUTION NO. 2006-62 – AUTHORIZING CERTAIN FINANCE OFFICERS OF THE CITY OF FRESNO TO SIGN CITY CHECKS AND VARIOUS INVESTMENT AND COMMERCIAL BANKING DOCUMENTS, AND TO PROVIDE VERBAL INSTRUCTION REQUIRED FOR THE PRUDENT FINANCIAL ADMINISTRATION AND SAFEKEEPING OF CITY FUNDS *(COUNCIL ACTION)*

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2006-62 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

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There being no further business to bring before the joint bodies, the hour of 10:17 a.m. having arrived, Member Duncan declared the joint meeting adjourned and the City Council reconvened in regular session.

ADJOURNMENT

There being no further business to bring before the Council, the hour of 10:18 a.m. having arrived and hearing no objection, Council President Duncan declared the meeting adjourned.

APPROVED on the ____ day of February, 2006.

_____ ATTEST: _____	
Jerry Duncan, Council President	Cindy Bruer, Deputy City Clerk

